



Agenda Item # 7

BOA-003370-2025

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

4413 Radian Drive

Applicant / Agent:

Daniel Clark, Smith Clark & Associates, LLC

Property Owner:

Jason Clark

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6679

Unified Development Code (UDC) Requirement:

- The UDC requires all structures taller than three (3) feet to be set back a minimum of five (5) feet from side property lines and a minimum of eight (8) feet from rear property lines in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Setback Variance to allow reduced side and rear yard setbacks for a proposed carport in an R-1, Single-Family Residential Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by single family residential units.

APPLICATION NUMBER _____ DATE _____
 APPLICANT _____
 REQUEST _____



SITE HISTORY

The site was originally part of the 21-lot Crestview Subdivision, Fifth Addition, Part B, Unit One. The subdivision plat was approved by the Planning Commission in November 1974 and subsequently recorded in the Mobile County Probate Court in August 1975.

There are no other records of Planning Commission or Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance. However, there is a 7.5" drainage and utility easement from the rear yard property line; there is no City of Mobile drainage structure in it.

Traffic Engineering Comments:

No comments.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the *International Fire Code (IFC)*.

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in *Appendices B and C* of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the *International Residential Code (IRC)* functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the *International Fire Code*, including, but not limited to, those listed above concerning

the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

The applicant is requesting a Setback Variance to allow the construction of a carport within the required side and rear yard setbacks of a property located in an R-1, Single-Family Residential Suburban District. Section 64-2-5.E. of the Unified Development Code (UDC) requires structures in the R-1 Suburban District to maintain a minimum setback of five (5) feet from side property lines and eight (8) feet from rear property lines.

A narrative describing the request can be viewed using the link on Page 1 of this report. In summary, the applicant states they wish to construct a carport in alignment with the existing driveway and other on-site structures as justification for the request.

The submitted site plan depicts the existing single-family residence, a shed, and the proposed carport. Both the dwelling and shed comply with the applicable setback requirements; however, the proposed carport would encroach approximately 4.8 feet into the required eight-foot rear yard setback and approximately 3.5 feet into the required five-foot side yard setback.

The applicant has not provided sufficient justification for the extent of the encroachment into the required setbacks. Based on the site plan, it appears there is adequate space to reposition the carport in a way that would both comply with the UDC setback requirements *and* maintain alignment with the existing driveway. Furthermore, there is no record of similar setback variances being approved in the immediate vicinity. As such, approval of this request could set an undesirable precedent for future variance applications lacking strong justification.

It should be noted that the combined building footprint of all structures depicted on the site plan does not exceed the 35% maximum site coverage limitation of the UDC for residential lots in a Suburban sub-district.

VARIANCE CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;

- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

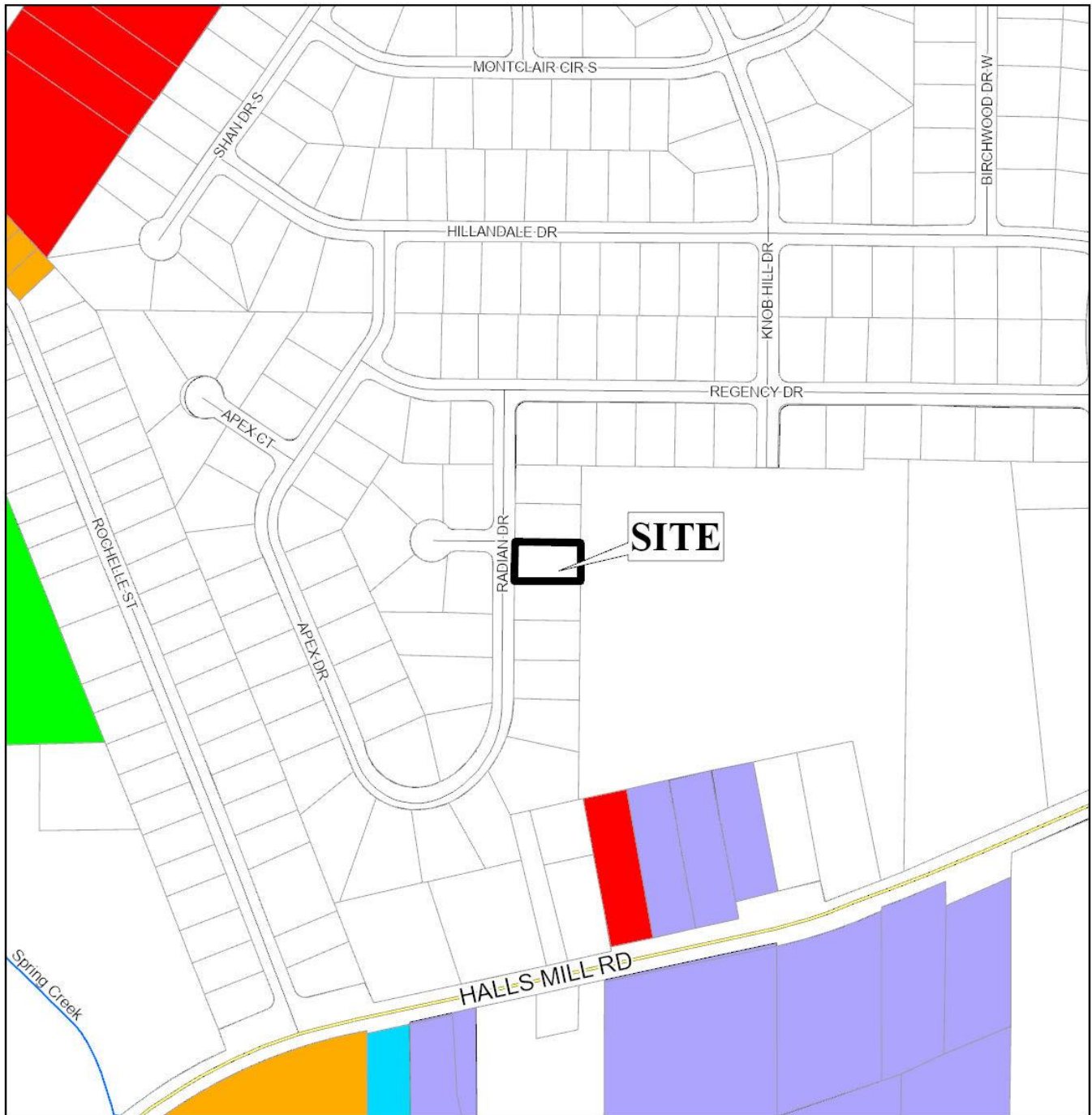
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If the Board considers approving the variance request, it could be subject to the following condition(s):

- 1) Acquisition of all required after-the-fact permits and inspections for the garage; and
- 2) Compliance with all other codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6679 DATE July 7, 2025

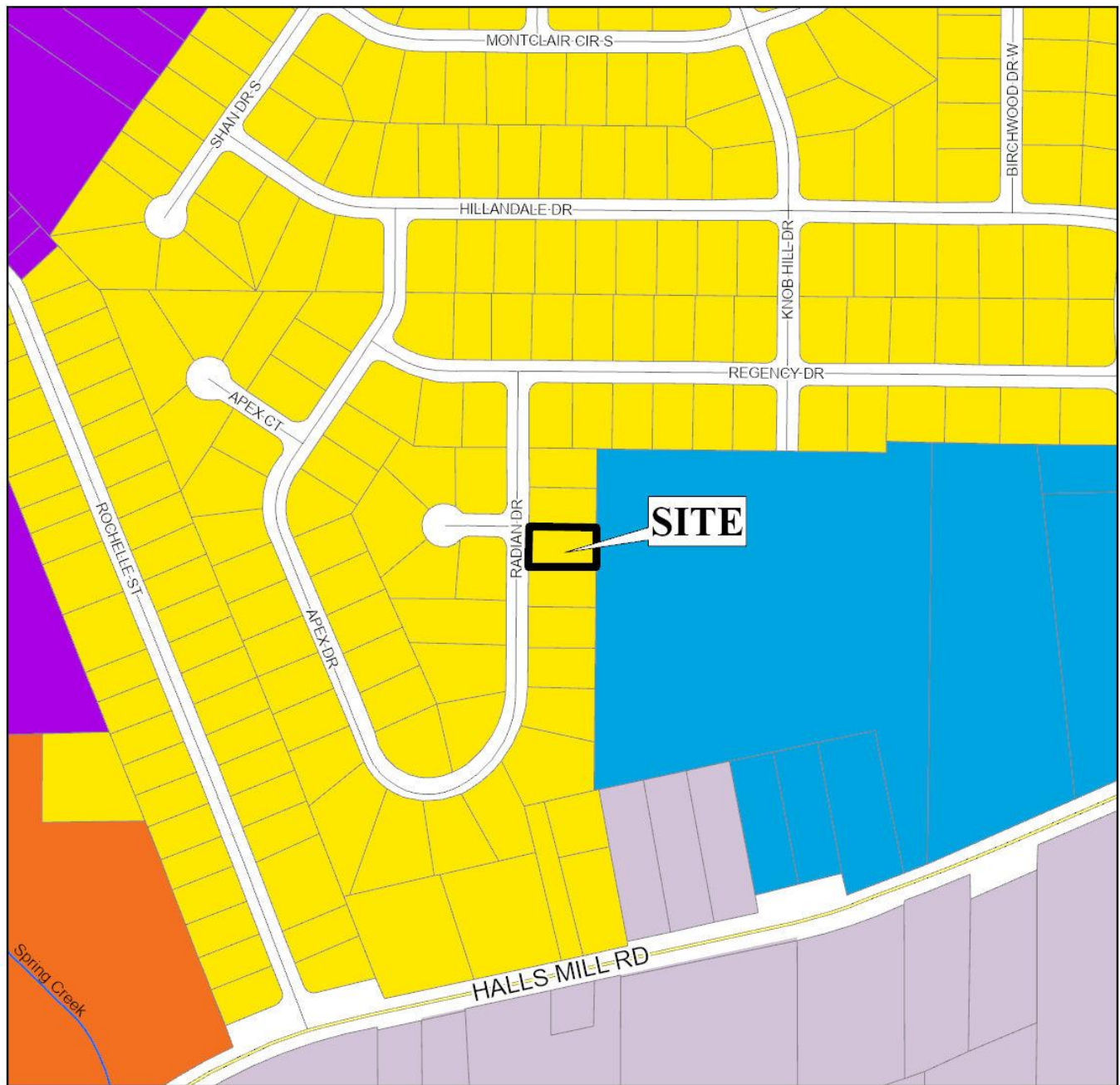
APPLICANT Daniel Clark, Smith Clark & Associates, LLC

REQUEST Setback Variance



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FLUM LOCATOR MAP



APPLICATION NUMBER 6679 DATE July 7, 2025

APPLICANT Daniel Clark, Smith Clark & Associates, LLC

REQUEST_____Setback Variance

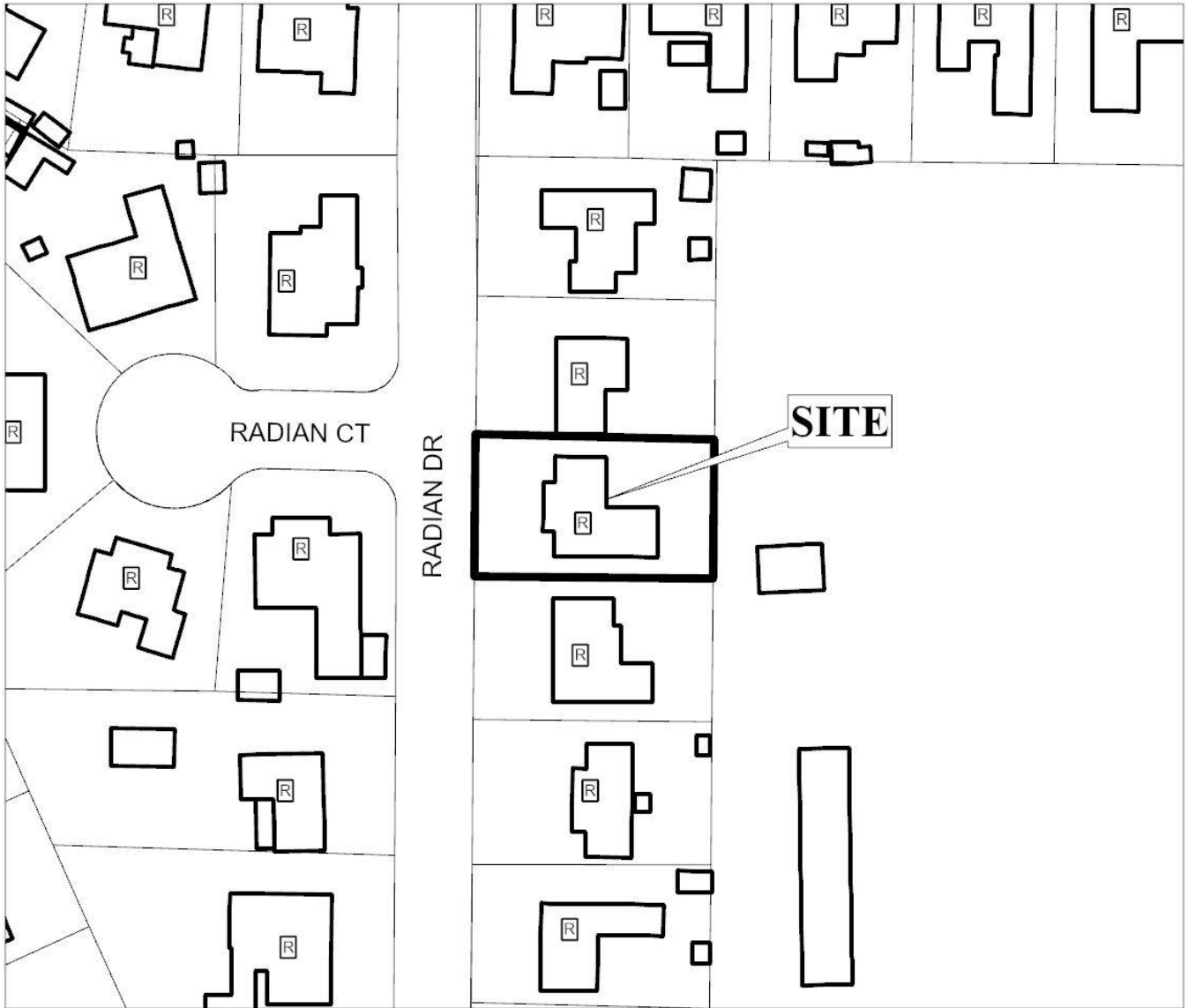
- Low Density Residential
 Neighborhood Center - Traditional
 Light Industry
 Water Dependent
- Mixed Density Residential
 Neighborhood Center - Suburban
 Heavy Industry
- Downtown
 Traditional Corridor
 Institutional
- District Center
 Mixed Commercial Corridor
 Parks, Open Space



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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6679

DATE

July 7, 2025

APPLICANT

Daniel Clark, Smith Clark & Associates, LLC

REQUEST

Setback Variance

R-A

R-1

R-2

R-3

R-B

H-B

B-1

T-B

LB-2

B-2

B-3

B-4

B-5

CW

MM

ML

MH

I-1

I-2

PD

MUN

OPEN

SD

SD-WH

T-3

T-4

T-5.1

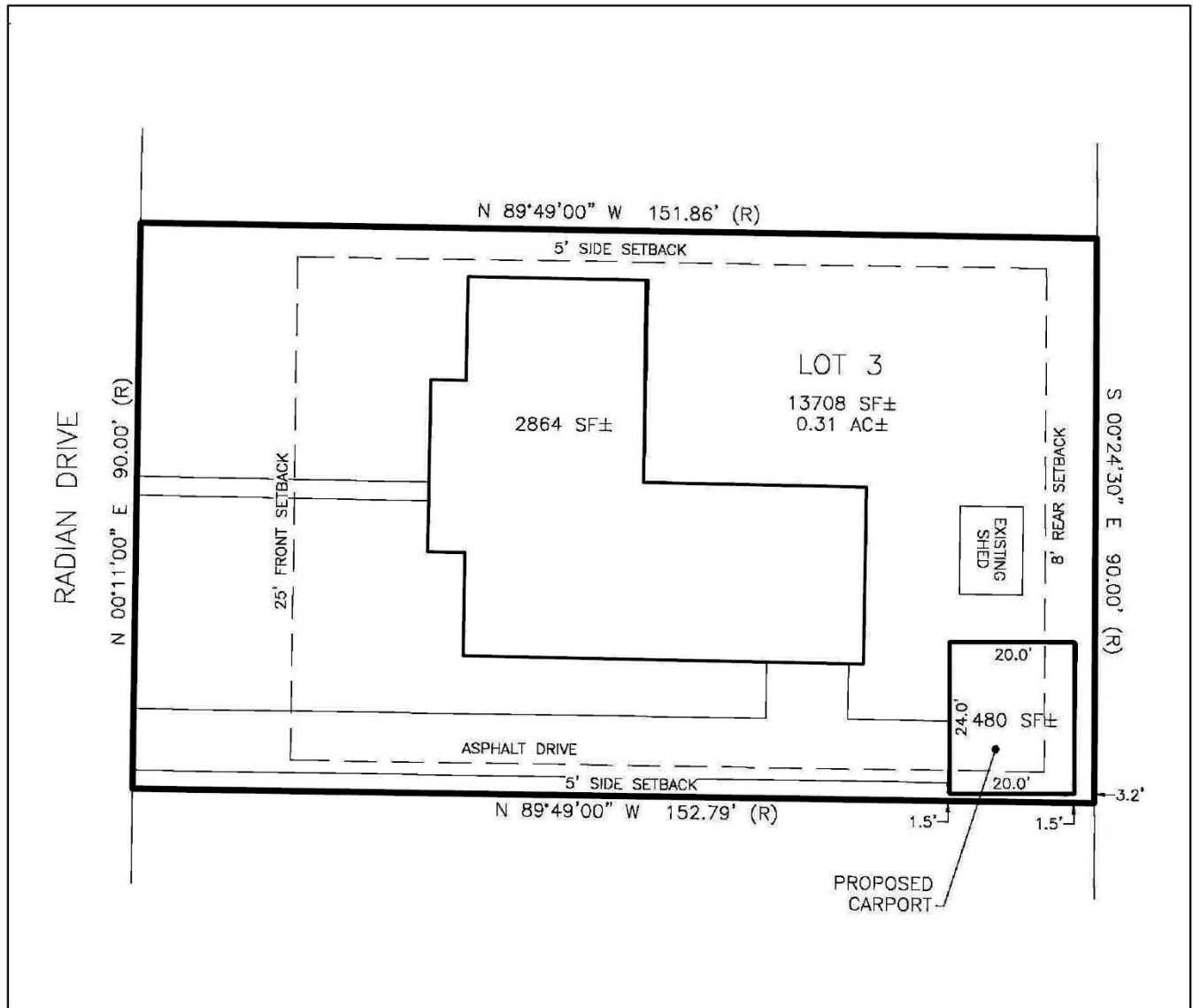
T-5.2

T-6

N

NTS

SITE PLAN



The site plan illustrates the existing building, setbacks, and proposed carport.

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 REQUEST Setback Variance



ZONING DISTRICT CORRESPONDENCE MATRIX																
			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○			■	■	■	■					□		
HISTORIC BUSINESS	H-B				■		■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. GENERAL	TCD						■							□		
DOWNTOWN DEV. DDD	T-6				■									□		
DOWNTOWN DEV. DDD	T-5.1				■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2				■		■							□		
DOWNTOWN DEV. DDD	T-4				■		■		□					□		
DOWNTOWN DEV. DDD	T-3				■		■							□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3					■				■			○	□	○	
GEN. BUSINESS	B-4				■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

Residential Land Use

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context.

The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.